

Atty. Dkt. No. 200312941-1

REMARKS

This Reply is in response to the Office Action mailed on October 13, 2006 in which claims 1-36 were rejected. Based upon Examiner Interviews held on December 11 and 12, 2006, claims 1-2, 6 and 18 are amended and claim 37 is added. Claims 1-37 are presented for reconsideration and allowance.

I. Examiner Interviews Summary

On December 11 and December 12, 2006, several telephonic interviews were held between Examiner Joerger and Applicants' Attorney, Todd A. Rathe. The rejection of the claims under 35 USC 112, second paragraph was discussed. With respect to independent claims 1, 6 and 18, it was agreed upon that the above amendments to such claims clarifying that the flag "is configured to be contacted for a time by the media as a medium moves and that the flag is configured to remain substantially in one angular position for a portion of the time" overcomes the first portion of the rejection under 35 USC section 112.

With respect to the second portion of the rejection under 35 USC section 112 which alleged that the claims lack insufficient structure for an determination of the metes and bounds of the claim, the Examiner clarified that this rejection basis did not apply to claims 2-3 or claims 30-36. With respect to the remaining claims, it was agreed upon at the above amendments to claims 1, 6 and 18 reciting that the flag has a "discontinuity" adds sufficient structure to overcome this basis of the rejection. In particular, it was agreed upon that the limitation "discontinuity" broadly means any irregular structure or body configuration associated with the flag that at least partially bounds or borders a light transmission altering area, examples of which include, but are not limited to, a structure that continuously bounds or borders one or more gaps or one or more windows or one that only partially bounds or borders one or more gaps such as one or more gaps along a perimeter of the flag. It was agreed upon that this term encompasses a structure at least partially bordering one or more gaps that are devoid of material or that have a transparent or translucent material or pane spanning the one or more gaps. Accordingly,

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Applicants are not relinquishing such coverage by agreeing to such claim amendments in order to address the Examiner's indefiniteness concerns.

Applicants wish thank Examiner Joerger for the opportunity to discuss the rejection and for the Examiner's suggestions for amending the claims to overcome the rejection.

II. Rejection of Claims 1-36 under 35 USC Section 112, Second Paragraph

As noted above, during the Examiner Interviews held on December 11 and December 12, 2006, he was agreed upon that the rejections did not apply to claims 30-36. With respect to claims 1-29, it was agreed upon that the above amendments to claims 1, 6 and 18 overcome the rejection under 35 USC Section 112. Accordingly, claims 1-36 are presented for reconsideration and allowance.

III. Added Claim

With this response, claim 37 is added. Claim 37 comprises former claim 2 rewritten in independent form and including additional language clarifying that the flag "is configured to be contacted for a time by the media as a medium moves and that the flag is configured to remain substantially in one angular position for a portion of the time." During the Examiner Interviews held on December 11 and December 12, 2006, it was agreed upon that this added claim would be allowable.

IV. Conclusion

After amending the claims as set forth above, claims 1-37 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

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The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date Dec 12, 2006

By Todd A. Rathe

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